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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,295	01/23/2002	Erhard Schreck	3123-424 / 20011.03	9782

7590 05/08/2006

The Law Office of Steven G. Roeder
5560 Chelsea Avenue
La Jolla, CA 92037

EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,295

Applicant(s)

SCHRECK ET AL.

Examiner

William J. Klimowicz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 108-157 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 108-111, 114, 115, 118, 121-128, 130, 133, 136-143, 145, 147-151, 153 and 155-157 is/are rejected.
- 7) ☒ Claim(s) 112, 113, 116, 117, 119, 120, 129, 131, 132, 134, 135, 144, 146, 152 and 154 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 15, 2006 has been entered.

Election/Restriction

The Applicants have previously elected the invention drawn to Group II, Species VI, Sub-species A. The Applicants allege that “[t]he newly-added claims [i.e., claims 108-157] are all believed to read on the previously elected species (Group II, Species VI).” See Applicants’ response filed on April 18, 2006.

Thus, examination of claims 108-157 has been undertaken, with the results articulated, *infra*.

Claim Status

Applicants have voluntarily cancelled claims 1-107, inclusive.

Claims 108-157 are currently pending.

Double Patenting

Applicant is advised that should claim 142 be found allowable, claim 143 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 108-111, 114, 115, 118, 121-128, 130, 133, 136-143, 145, 147-151, 153, and 155-157 are rejected under 35 U.S.C. 102(a) as being anticipated by Ma et al. (EP 1 113 437 A1).

As per claims 108, 125, 141 and 150, Ma et al. (EP 1 113 437 A1) discloses a disk drive (e.g., see paragraph [0018, line 12], paragraph [0027]) and method for manufacturing a disk drive comprising: a drive housing (provided in association with the aforementioned disk drive), and an asymmetrical storage disk (14) (stiffener ring (50) being affixed to one side) that is rotatably coupled to the drive housing (via spindle motor as seen in FIG. 5), the storage disk (14) including a body region (base of disk - COL. 6, line 2), a first side region that stores data and a second side region opposite the first side region (see COL. 6, lines 3-5), the body region being positioned between the side regions, the second side region including an exposed outer flat

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section (e.g., lower flat surface as seen in FIG. 6) and a raised stiffener (50), as per claim 151, or outer ridged section as per claims 125, 150, that increases the rigidity of the storage disk (14), the stiffener (50) extending at least approximately 0.001 millimeters away from the outer flat section (e.g., see COL. 6, lines 36-38), as also per claim 130.

As per claims 109, wherein the stiffener (50) is at least partially exposed (e.g., FIG. 6).

As per claims 110, 142 and 143, wherein the stiffener is shaped so that a portion of the stiffener (50) is non-parallel to the outer flat section (e.g., the side wall of the rib (50)).

As per claims 111 and 128, wherein the stiffener is shaped so that a portion of the stiffener (50) is substantially perpendicular to the outer flat section (e.g., the side wall of the rib (50)).

As per claim 114, wherein the second side region (lower surface as seen in FIG. 6) has an exposed second side surface that includes the outer flat section and an outer ridged section (50), the outer ridged section extending at least approximately 0.001 millimeters away from the outer flat section (e.g., see COL. 6, lines 36-38).

As per claim 115 and 136, wherein the outer ridged section extends less than approximately 2.0 millimeters away from the outer flat section (e.g., see COL. 6, lines 36-38).

As per claims 118, 133, 145 and 153, wherein the storage disk (14) has an inner diameter and an outer diameter, and wherein a width of the stiffener (50) is substantially uniform along a direction from the inner diameter toward the outer diameter (FIG. 7).

As per claim 121, 122, 123, 137, 138, 139, 147, 148, 149, 155, 156 and 157, wherein the first side region (upper surface of disk as seen in FIG. 6) has a mass that is different than a

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mass/density/thickness of the second side region (lower surface of disk as seen in FIG. 6) due to the added mass/density/thickness of the additional material of ring (50) on one surface only.

As per claim 124, the first side region (e.g., the upper surface of disk (14) as seen in FIG. 6) is substantially planar.

As per claim 126, wherein the outer flat section is substantially planar - FIG. 6.

As per claim 127, wherein the storage disk (14) includes a stiffener (50) that increases the rigidity of the storage disk (14), the stiffener (50) being at least partially exposed - FIG. 6.

As per claim 140, wherein the first side region (e.g., the upper surface of disk (14) as seen in FIG. 6) has a substantially planar first side surface, and wherein the outer flat section (top surface of ridge (50)) is substantially parallel to the first side surface - FIG. 6.

Allowable Subject Matter

Claims 112, 113, 116, 117, 119, 120, 129, 131, 132, 134, 135, 144, 146, 152 and 154 are tentatively objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Thus objection is tentative based on any amendments to the claims by the Applicants not directly rewriting in independent form including all of the limitations of the base claim and any intervening claims and/or a further update of the art at a future date.

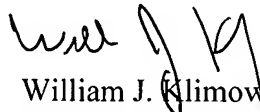
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William J. Klimowicz
Primary Examiner
Art Unit 2627

WJK